

1    **§ 18247.5. Primarily Formed Committees.**

(DRAFT 10/11/11)

2           (a) A “primarily formed” committee, as defined in Section 82047.5 and this regulation,  
3    is a recipient committee that supports or opposes a single candidate or measure, or a specific  
4    group of measures or local candidates on the same ballot. (In contrast, a “general purpose”  
5    committee, defined in Section 82027.5 and Regulation 18227.5, supports multiple candidates or  
6    ballot measures.)

7           (b) *Filing.* Under Section 84215, a primarily formed committee files in the jurisdiction  
8    where the candidate(s) or measure(s) it is primarily formed to support or oppose normally file  
9    their campaign statements.

10          [(c) *Special Requirements for Primarily Formed Committees.* In addition to other  
11    applicable provisions of the Act and regulations, a primarily formed committee must  
12    automatically file preelection statements under Section 84200.5 and 84200.7 or 84200.8; must  
13    comply with the committee name and identification of donors requirements of Sections 84107,  
14    84503 and 84504, if supporting or opposing a ballot measure; must file online 90-day reports  
15    under Section 85309 if supporting or opposing a state ballot measure; and is subject to  
16    mandatory audit if a state committee.]

17          (d) *Definition.* For purposes of Section 82047.5, a recipient committee under Section  
18    82013(a) is considered to be “formed or existing primarily to support or oppose” a candidate or  
19    measure if it makes more than 70 percent of its total contributions and expenditures, during the  
20    24 months preceding the date on which the candidate(s) or measure(s) appear on the ballot, on  
21    any of the following:

1 (1) A single candidate. A committee formed or existing primarily to support or oppose a  
2 single candidate includes a committee that makes contributions and expenditures for a particular  
3 candidate and against that candidate's opponent(s).

4 (2) A single measure.

5 (3) A group of specific candidates being voted upon in the same city, county, or  
6 multicounty election.

7 (4) Two or more measures being voted upon in the same city, county, multicounty, or  
8 state election.

9 (e) *Activity Thresholds*. If a recipient committee has previously filed reports as a general  
10 purpose committee, in addition to meeting the requirements in subdivision (d), an existing  
11 general purpose committee must make at least [\$50,000/\$100,000] of contributions or  
12 expenditures if supporting or opposing *state* candidates or measures listed in subdivisions (d)(1),  
13 (2) or (4), or at least \$10,000 of contributions or expenditures if supporting or opposing *local*  
14 candidates or measures listed in subdivisions (d)(1), (2), (3), or (4), in order to be required to  
15 change its filing status to primarily formed committee.

16 (f) *Review*. A committee whose spending is concentrated on candidates or measures as  
17 listed in subdivisions (d)(1)-(4) shall determine whether it is primarily formed prior to its semi-  
18 annual filing dates in June and December, 90 days before the date on which the candidate(s) or  
19 measure(s) appear on the ballot, and at the closing dates of the pre-election reporting periods for  
20 that election.

21 (g) *File as Primarily Formed through Election*. A committee that is or becomes  
22 primarily formed within 90 days prior to an election shall maintain that status and file disclosure  
23 reports as a primarily formed committee throughout the candidate's or measure's election.

1           (h) *Change to General Purpose Status.* A committee that was primarily formed for the  
2 election of a candidate or measure, but after that election continues to exist to support or oppose  
3 different candidates or measures in the future, may remove the candidate or measure name from  
4 the committee name and return to general purpose committee status at the closing date of the  
5 semi-annual filing period following the election, as long as the committee is not raising funds to  
6 pay debt from the election.

7 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82027.5 and  
8 82047.5, Government Code.